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Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Samoa

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Working Group on the issue of discrimination against women in law and in practice on its visit to Samoa from 8 to 18 August 2017. In the report, the Working Group reviews the State's legal, policy and institutional frameworks for women's human rights, including the constitutional guarantee of equality between women and men and the important role of family and culture on the enjoyment of women's right to equality. It highlights the urgency of addressing the prevalent gender-based violence against women and girls. The Working Group draws attention to the existence of barriers to the enjoyment of sexual and reproductive health services. It acknowledges the progress made in improving women's participation in political and public life and the ongoing challenges.

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Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Samoa*

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* Circulated in the language of submission only.

I. Introduction

1. The Working Group, led by its Chair-Rapporteur, Kamala Chandrakirana, and with the participation of expert member Eleonora Zielinska, visited Samoa from 8 to 18 August 2017 at the invitation of the Government. The Working Group met with stakeholders in Apia, Poutasi, Vavaau and attended consultations with representatives of Salani, Sapoe, Utulaelae, Siuniu, Salesatele and Salelesi.

2. Samoa was the first country in the Pacific region to receive an official visit by the Working Group. In accordance with its mandate, the Working Group engaged in a constructive dialogue with a wide range of government and State representatives and civil society actors and reviewed efforts on eliminating discrimination against women in law and in practice. The Working Group visited the women's prison, a middle school, a health clinic, observed a planning meeting among village councils and participated in a dialogue with members of a village council.

3. The Working Group deeply appreciates the openness of the Government and its cooperation before and during the visit. The experts wish to express their sincere gratitude to all the interlocutors, including public officials, village members and representatives, health professionals, civil society organizations, women's groups, academics, religious leaders, individual artists, and the United Nations country team for the fruitful exchanges.

II. Context

4. Samoa has a homogeneous population — with tangible differences between urban and rural areas — and a parliamentary democracy in a stable political context. Samoa is known for its pride in its culture and tradition, *Fa'asamoa*, the Samoan way of life. Family and religion occupy a central place in society and everyday life, and are indispensable in addressing the situation of women. Expectations remain high towards women staying in their stereotypical gender roles, as dictated by traditional and cultural norms. In the United Nations Development Programme's Gender Inequality Index, Samoa ranks 97 out of 188.

5. Villages conduct their business with a high-level of autonomy, resulting in a unique challenge for the implementation of national laws and policies.

6. Samoa graduated from the least developed country category in 2014 and was reclassified as a middle-income country. Ranked 104 out of 188 in the human development index and with 18.8 per cent of people living below the national poverty line, the economy of Samoa relies on remittances and foreign aid, mainly for economic infrastructure and essential services. Some 70 per cent of households depend on remittances, which constitute 20 per cent of gross domestic product. In recent years, development assistance has decreased from 17.8 per cent of gross net income in 2013 to 11.4 per cent in 2016.[1] Meanwhile, Samoa faces considerable economic and environmental challenges in a time of major demographic shifts. The growing youth population struggles with limited economic opportunities and outmigration is high. The fact that there are as many Samoans living outside the country as inside poses a perpetual challenge in preventing and managing a brain drain effect on the development of the country.

7. The visit of the Working Group took place at a time of self-reflection in the country, as it confronts challenges on multiple fronts with distinct implications for the situation of women. There is a growing consensus that the country is undergoing a moment of fundamental change. Public debates on the meaning of human rights and the status of women in Samoan society are occurring in multiple spaces on a daily basis. The Government's 2017 Samoa Family Safety Study seems to have shaken the nation as it revealed the pervasiveness of gender-based violence in society and the family. There is a sense of urgency in making the necessary reforms in laws, policies and institutions in order

[1] See www.oecd.org/countries/samoa.

to address these problems, while tensions and contradictions in social, cultural and political practices abound.

III. Legal, institutional and policy frameworks

A. Ratification of human rights treaties and cooperation with human rights mechanisms

8. Samoa was the first country among the Pacific island States to have ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1992; it did so without making any reservations. Since then, it has ratified a further four of the nine core human rights treaties and reinforced its engagement with the international human rights system through the universal periodic review, treaty body reporting and the issuance of a standing invitation in 2011 to special procedure mandate holders for country visits. By issuing a standing invitation, the Government has indicated its openness to accept requests to visit from all thematic special procedure mandate holders, thus demonstrating its commitment to live up to international human rights standards and setting a positive example in the region for cooperation with international human rights mechanisms. The Working Group encourages the Government to continue its constructive engagement by hosting further visits by other mandate holders of key relevance to the country's human rights situation.

9. The ratification of the Convention on the Elimination of All Forms of Discrimination against Women was a significant step by the Government, introducing the concept of equality between women and men. In an effort to comply with its treaty obligations, Samoa has taken a number of legislative, institutional and policy measures since, including the legal protection of maternity and the establishment of the Samoa Law Reform Commission.

10. The Working Group is pleased to learn that the Government has initiated a process of considering the ratification of additional human rights treaties and encourages it to consider the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the International Labour Organization Maternity Protection Convention, 2000 (No. 183).

B. Constitutional framework and non-discrimination

11. The 1962 Constitution indicates that Samoa is a State based on Christian principles and Samoan custom and tradition. A 2017 constitutional amendment made Christianity the State religion.

12. The Constitution provides for the protection of fundamental rights, including freedom from discriminatory legislation whereby all persons are equal before the law (art. 15). Sex is one of the grounds on the basis of which discrimination is prohibited. Furthermore, article 15 contains a clause stating that "nothing in this Article shall … [p]revent the making of any provision for the protection or advancement of women or children or of any socially or educationally retarded class of persons". This opens the door for affirmative action for women. The experts regret, however, that this important provision is formulated in such a way that women are listed with children and "retarded … persons". This may have the effect of further reinforcing the negative stereotypical image of women and undermining their equal status with men.

13. This was the only mention of women in the Constitution before the 2013 constitutional amendment designed to improve women's representation in the national parliament, which requires a minimum 10 per cent of women in the 49-member Legislative Assembly. There is no *expressis verbis* mention of gender equality other than the narrow formulation under freedom from discriminatory legislation. The experts are of the view that further elaboration and inclusion of the concept of women's right to equality and the

definition of discrimination would be necessary, particularly in the context of Samoa where the concept of equality is alien, as the Working Group was told by some interlocutors.

14. A recent amendment to the Village Fono Act 1990 requests village councils to register their by-laws with the national government. There have been cases in which such by-laws have been brought to court for violating constitutional guarantees, particularly in relation to the penalty of banishment and establishment of new churches in the villages and conversions to other denominations outside the village. The Working Group is encouraged that constitutional review of village council by-laws is possible, as it contributes to the rule of law and enhances good governance. Constitutional guarantees of non-discrimination on the grounds of sex should guide the review of village council by-laws and other policies by local and national government.

C. National Policy for Gender Equality 2016–2021

15. Developed on the basis of the review of its first five-year national policy, this policy reaffirms the regional and international commitments of Samoa and its links with its own national development goals. The policy acknowledges the situation of gender inequality and establishes clear priority areas: ending violence against women and children; healthy women and girls; equal economic opportunities for women; increased participation of women in public leadership and decision-making; increased access to education and gender-sensitive education curriculum; enhanced gender equality approaches to community resilience and disaster preparedness; and enhanced institutional mechanisms for the promotion of gender equality. The Working Group welcomes the fact that the policy has both an explicit stand-alone focus on women and a gender mainstreaming goal, which is in line with the approach adopted by the Sustainable Development Goals. However, despite general references to human rights principles, women's right to equality, especially in the family and community, was not explicitly underlined and used as a guiding principle. The policy document could also benefit from further strengthening with additional elaboration of strategies beyond specific activities.

D. Institutional framework

1. Ministry of Women, Community and Social Development

16. The Ministry of Women, Community and Social Development is among the key government agencies for women's empowerment and gender equality, and is responsible for developing national policies on women. It has the authority to manage village welfare, governance and other matters relating to culture and traditions, and is therefore uniquely placed to facilitate the mainstreaming of gender equality and women's rights in village development. The Ministry builds capacities at the village level and works directly with village councils and village women's committees. During the visit, the Working Group observed the impressive leadership and the commendable strategies developed towards gender-responsive village development. Despite its broad mandate, the Ministry operates with limited resources (3 per cent of the national budget). The Working Group endorses an increase in resources for the Ministry so that it can exercise its full potential as an agent of change.

2. Office of the Ombudsman/national human rights institution

17. The Ombudsman has a mandate to monitor, promote and protect human rights under the Ombudsman Act 2013. Although the Ombudsman may not investigate individual complaints relating to human rights violations, he or she has a mandate to investigate widespread, systemic or entrenched situations or practices that violate human rights, including the right to freedom from discrimination, through a national public inquiry with the participation of the general public. Despite limited human and financial resources, the Office of the Ombudsman, as the country's national human rights institution, has made impressive achievements in a short period of time. Its outreach to the marginalized sectors of society, its prioritization of the rights of women and girls and its reporting on difficult

issues of the day play a crucial role in the progressive development of human rights in Samoa.

3. Samoa Law Reform Commission

18. The Samoa Law Reform Commission plays an important role in ensuring the conformity of the country's legal framework with international human rights standards. It conducts public consultations to ensure that there is no disconnect between the policy and legal framework and the realities in the villages. The Working Group welcomes the major work undertaken by the Commission to assess compliance with the Convention on the Elimination of All Forms of Discrimination against Women completed in August 2016, and hopes that it continue to push for further positive changes in legislation through further reviews of the remaining discriminatory legal provisions, including the unequal legal age of marriage for women and men, and the criminalization of sodomy, women in prostitution and voluntary termination of pregnancy, as well as all other aspects of the law that can result in indirect discrimination against women. The Working Group believes that criminalization of behaviour that is attributed only to women is discriminatory per se and generates and perpetuates stigmatization (A/HRC/32/44).

IV. Women's participation in family and cultural life

19. While the legal and policy framework of Samoa opens the way for progress towards equality between men and women, its full implementation will depend on changes in the nation's family and cultural life. The status of women and girls in the family affects their ability to act and participate in other aspects of life, including public and political life and social, economic and cultural life. Full equality between women and men, and girls and boys, is a requirement of international human rights law and constitutes a human right of women that is vital for the well-being of the family and for society as a whole.

20. The Constitution declares custom and tradition, along with Christianity, as the basis of the State. What constitutes the Samoan custom and tradition -- or *Fa'asamoa*, the Samoan way of life — is a topic of vibrant public discussion. The Working Group observed the prevalence of a repeated discourse that aimed to maintain the status quo of inequality between men and women and discrimination against women on the ground of the uniqueness of Samoan culture and tradition. At the same time, the Working Group noted the conviction of many interlocutors that the country was at a moment of change and that culture was evolving. References were made to historical and sociological studies showing the evolution of Samoan culture over centuries, in which cultural practices and traditional institutions had shown themselves to be responsive to emerging challenges and adaptive to new opportunities at different moments in time.

21. Some interlocutors conceded that they were still uneasy speaking out about certain aspects of Samoan tradition for fear of being stigmatized as not being good Samoans or good Christians. Several mentioned that certain issues, such as sexual reproductive health, were just not talked about in Samoa. Consequently, the Working Group was pleased to have directly observed the breaking of long-held taboos with regard to gender-based violence in the family, through facilitated discussions among village community leaders under the auspices of the Ministry of Women, Community and Social Development conducted as part of a pilot project of district-level participatory planning processes for village development. The Working Group considers that this is a good practice that should be adopted nationwide given its potential to open the way for the progressive evolution of the country's customs and traditions. It is in these spaces that the processes of cultural adaptation and change from within occur.

22. There was further indication of change occurring from within. The Working Group met with trainers and counsellors for young persons, who referred to the country's historical origins in presenting alternative cultural narratives, including on women's esteemed role and position in society, which challenged cultural justifications of inequality between men and women. Advocates in schools, civil society organizations and business associations have integrated the ideas of equality between men and women and the

empowerment of women into skills training and service delivery. Many interlocutors have made a point of distinguishing between the core values of the culture versus the individual responsibility of the perpetrators of violence, who opportunistically use culture to justify their acts. They consider a change of mindset as a matter of urgency.

23. The experts were informed that women artists did not feel totally free to express themselves and many chose to go overseas where there was more openness to artwork with messages of social critique. Some interlocutors expressed their regret that the arts as a whole seemed to be undervalued in Samoa. As women's voices are actively and creatively articulated through art, support for women artists and artisans would not only give more space for women's diverse cultural expressions, but also open new avenues for women's economic empowerment.

24. As Samoan customs and traditions are being renegotiated in everyday life by its people, the State is obliged, as stipulated in article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, to modify the social and cultural patterns of the conduct of men and women, with a view to eliminating prejudices and customary practices that are based on the idea of inequality between the sexes or on stereotyped roles for men and women. The Working Group recalls the expert opinion of the Special Rapporteur in the field of cultural rights that the State must guarantee the freedom of women not to participate in traditions, customs and practices that infringe upon their human dignity and rights, to critique existing cultural norms and traditional practices and to create new cultural meanings and norms of behaviour (A/67/287).

25. The family is the fundamental foundation of Samoan society and plays a central role throughout the lifecycle and in all aspects of life. While it serves a social security function, the family is also one of the primary sites of violence against women, as indicated by the findings of various studies, including the Government's national study on family safety. Distinctive roles are assigned to women and men based on their perceived functions in the family: the primary role of a woman is to care for her family while the man is the head of the household. Women have been assuming the role of "good wives" and "good daughters and sisters and mothers", as a matter of course. Their vulnerability to discrimination and violence is defined by their assigned status in the family, where wives who have traditionally moved to their husbands' families are most vulnerable. The concept of family in Samoa includes extended families but not all the various forms of family. Same-sex marriages are forbidden by law.

26. The Working Group acknowledges the claim by several interlocutors that the family could, in effect, be the necessary agent of change. It is the family that bestows the chiefly titles, including on women. As chiefly titles are crucial to social mobility, including the right to run for public office, family decision-making on this matter plays an important role for women's empowerment. While the numbers of women with chiefly titles have increased over the years, the institution of the family remains precarious for women and calls for effective State intervention to promote and protect women's right to equality within the family.

27. Religion, in this case Christianity, is integral to all aspects of Samoan life. It was further enhanced by the 2017 constitutional amendment declaring the country a Christian State. Church leaders are actively engaged in governance and decision-making processes, including at the village level. Regrettably, they have not made good use of their highly influential role by denouncing gender-based violence. During the visit, the Working Group witnessed church leaders defending alleged perpetrators of rape by sending letters of support to the courts testifying to the perpetrators' "good character". The planned collaboration between the National Council of Churches and the Ministry of Women, Community and Social Development on violence against women is a promising first step. The effectiveness and sustainability of this and other like-minded initiatives, including through international cooperation, must be secured.

28. The Working Group recalls that human rights experts and the Secretary-General have established that neither cultural diversity nor freedom of religion can justify discrimination against women, including gender-based violence. Discriminatory, repressive and violent practices against women should be eliminated, whatever their origins, including

those founded in culture or religion (A/HRC/29/40). In the light of this, the experts emphasize that the protection and advancement of actors and spaces presenting alternative narratives and renegotiating long-held values in cultural and religious life is a matter of State obligation.

V. Gender-based violence, access to justice and women victims of multiple discrimination

29. Samoa has made significant progress in recent years in addressing family violence, particularly on the legislative front. The Family Violence Act 2013 covers violence within the family, the definition of which includes a broad range of family relationships. The definition of violence encompasses physical, sexual, emotional, verbal and psychological dimensions. Economic violence is regrettably not included. The Crimes Act 2013 criminalized marital rape. However, no comprehensive legislation on gender-based violence against women beyond the family has been developed and initiatives to combat gender-based violence remain scattered, in part due to limited resources and a lack of a sustainable and comprehensive national strategy. The Working Group hopes that the Safety for All strategy, under elaboration for four years, will embrace a genuine holistic approach involving all the relevant stakeholders. Strong political support at the highest level of the Government and international cooperation are indispensable for Samoa to succeed in combating gender-based violence.

A. Gender-based violence

30. There is a growing knowledge and acknowledgment of the extent of violence experienced by women and girls — described by many as epidemic — and of the impact on women, the family, the community and society. Numerous research and surveys have been conducted by national, regional and international stakeholders, including State and academic institutions. There have been broad public consultations, documentary films and frequent media reporting of cases, including several during the Working Group's visit. These studies have focused primarily on domestic violence, a subject traditionally treated as taboo and often considered as a private matter to be dealt with in the family.

31. The Working Group notes that gender-based violence against women and girls is a manifestation of discrimination against women and occurs in all spaces and spheres of human interactions, including in the contexts of the family, the community, public spaces, the workplace, leisure, politics, sport, health services and educational settings and digital environments.[2] This recognition is important in order to develop adequate strategies addressing the root causes of the problem and challenging cultural and social norms. The Committee on the Elimination of Discrimination against Women uses the term "gender-based violence against women", as it makes explicit the gendered causes and impacts of the violence and further strengthens the understanding of the violence as a social rather than an individual problem, requiring a comprehensive response, beyond those to specific events, individual perpetrators and victims/survivors. The experts believe that framing violence against women only as family violence neglects other spheres of women's life and the gendered causes and impacts of violence.

32. The 2017 Family Safety Study unveiled distressing data on the reality of gender-based violence in the country, showing an alarming increase in the number of women who have experienced violence at the hands of their family members and the normalization of violence in society. The study showed that 60 per cent of women between the ages of 20 and 49 who were in a relationship had experienced some form of spousal abuse in their lifetime, notwithstanding the significant underreporting acknowledged by many stakeholders.

[2] Committee on the Elimination of Discrimination against Women, general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.

33 The Working Group is pleased to note a certain national momentum on tackling the issue. The national human rights institution has chosen to launch its first national public inquiry on family violence, with a focus on girls and women. The Working Group welcomes this focus, as women are disparately affected by family violence and are the overwhelming majority of the victims, as shown in the cases before the Family Court. The inquiry process involving broad consultations is well under way and the final inquiry report is expected to be presented to the Legislative Assembly in June 2018. Importantly, the inquiry adopts an explicit human rights-based approach and includes a review of existing structures and institutions with the potential to contribute to identifying solutions for curbing family violence. According to the Ombudsman, violence in Samoan families is a serious problem, which touches the lives of many and may even be fortified by attitudes embedded in the country's traditional communal society.

34. Alcohol consumption has been identified as one of the major causes of violence and problems; often linked to precarious socioeconomic conditions, it brings to light the need to tackle the many different root causes of violence against women and to seriously address the structural challenges linked to it, such as poverty, economic opportunities and demographics. At the same time, interlocutors pointed out that violence against women on such a scale demonstrates a power relationship and domination that cannot be explained only by alcohol consumption.

35. Notwithstanding the numerous studies conducted, the Working Group regrets that less is known about the gender-based violence that *fa'afafine*, *fa'afatama*[3] and lesbians face and emphasizes the importance for their voices to be heard and their situations addressed on the basis of the right to equality and non-discrimination. There is also a lack of adequate attention paid to violence against girls. The Working Group hopes that the report of the public inquiry will shed light on these understudied areas.

36. During exchanges with various stakeholders, the experts observed a degree of acceptance of violence, including by women. Some women say that they "deserve" corporal punishment, indicating a high level of self-blaming, even in cases of sexual abuse and incest. Others also lamented the negative role played by television programmes, which reinforce stereotypes and harmful practices instead of changing mindsets in a positive manner. Indeed, the public consultations conducted by the Samoa Law Reform Commission illustrated the perception of Samoan culture being incompatible with the Convention. Many Samoans believe that *Fa'asamoa* allows husbands to beat their wives in certain circumstances[4] and that human rights are foreign impositions. This mindset poses serious challenges for combating gender-based violence.

37. The Working Group hopes that religious leaders will use their influential role in society to be more proactive in preventing violence against women and that their interventions are guided by human rights principles, including respect for women's right to equality and dignity and in recognition of their autonomy and agency.

38. The experts regret to hear that corporal punishment against children is often justified as being part of the Samoan culture. Men who were victims of violence as children are believed to be more likely to reproduce this violence as adults, perpetuating a vicious circle of violence. Some key actors in the country are trying to combat the belief that resorting to violence is conducive to a good education for children. Culture cannot serve as a justification to tolerate or accept any form of violence against children anywhere, including in families and schools; it has a detrimental impact on their health and development. Many repeatedly insisted on the need to deconstruct some unfounded myths around culture and emphasized the essential protective and nurturing elements of culture with regard to educating children.

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[3] The terms *fa'afafine* and *fa'afatama* are culturally unique and specific to the third gender of Samoa. They are a social and communal gender-fluid-based status given to effeminate males and butch females within the Samoan cultural context.

[4] Samoa Law Reform Commission, "Samoa's legislative compliance with the Convention on the Elimination of All Forms of Discrimination against Women, Final Report (17/16), August 2016".

39. Sexual violence is widely recognized as a serious social problem. The official data commonly referred to point to the two most common types of sexual offences reported for the period between 2008 and 2015: indecent assault (34 per cent) and rape (26 per cent), followed by attempted rape (11 per cent), sexual intercourse with a girl over 12 years but under 16 years (9 per cent) and incest (7 per cent),[5] although it is unclear what the total numbers were. The Committee on the Rights of the Child expressed concern at the reportedly high level of sexual abuse, including sexual harassment by teachers in schools and incest, and the significant underreporting due to fear of stigmatization (CRC/C/WSM/CO/2-4).

40. Legislative progress, such as the increase in penalties for sexual offences and the central place of consent in determining whether a rape has taken place under the Crimes Act 2013, will not significantly change the situation without changes in social and cultural practices, such as testimony in court regarding the perpetrator's good character by church leaders. The Working Group also observed blame being apportioned by the country's top leadership to the media and the police for reporting cases of rape and incest, considered detrimental to the country's image. The Working Group is pleased to learn of the adoption, in December 2017, of the Sex Offenders Registration Act 2017.

B. Access to justice

41. The Constitution of Samoa guarantees equality before the law. However, in practice, women, particularly those living in villages, face multiple barriers, structural, social and cultural, in their access to justice. Consultations conducted by the Samoa Law Reform Commission revealed that women's own perceptions and mindsets and the general lack of awareness of the law often prevent them from seeking access to protection. In the sociocultural context of Samoa, it is difficult for women victims of family violence to seek external assistance due to practical constraints, including the lack of alternative arrangements and financial and material means.

42. Women victims of domestic violence face a range of actors who may have a role to play. First, family members or *Matai*, who may not report offenders to the village council and keep the matter within the family. The village council has a role to play in the conciliation mechanism under the Crimes Act 2013. However, village councils are dominated by men, among whom are sometimes the perpetrators. There is usually a practice to keep problems in the village, including violence and sexual assault, before involving the police.

43. The Samoan Police Force numbers just 649 officers; it has a limited presence in rural areas. Its Domestic Violence Unit has received specialized training, although continuous training is required due to staff turnover. It needs to be better resourced, including better facilities, to allow confidential reporting by victims. There has been an increase in the number of cases reported: the number of protection orders rose from 100 in the period between 2014 and 2015 to 213 for the period between 2015 and 2016.[6] The Working Group was not able to obtain data on the number of prosecutions or gender-based killings or the length of the sentences handed down for those found guilty.

44. Currently, there is only one non-governmental organization (NGO) that provides a range of essential services, including: shelters for children and newborns who have been abandoned as a result of rape and incest and for pregnant women who are victims of sexual abuse, as well as counselling on anger management for the perpetrators. It has representatives in the villages, often church pastors and their wives, who are usually the first to intervene. The NGO runs a free helpline. This system is helpful for women in the villages who often cannot afford to travel to the capital to seek assistance. Both the police and the court make referrals to the NGO. However, the capacity of the NGO is tested in the face of the enormous demands as is its reliance on donations and project funding.

[5] Ibid.

[6] Data provided to the Working Group during the visit.

45. The Family Court is required by law to promote conciliation and alternative dispute resolution and therefore takes into account participation in the counselling programme offered by the NGO in its sentencing. In this regard, the Working Group reiterates the recommendation to States of the Committee on the Elimination of Discrimination against Women to ensure that cases of violence against women, including domestic violence, are under no circumstances referred to any alternative dispute resolution procedure, since such processes may lead to further violations of women's rights and impunity for perpetrators because they often operate on the basis of patriarchal values, thereby having a negative impact on women's access to judicial review and remedies (see CEDAW/C/GC/33, para. 57).

46. Numerous State entities, civil society organizations, academics and individuals have been taking leadership roles in combating gender-based violence. For instance, in some villages, domestic violence against women is not tolerated and police are called, although often only in severe cases, usually when men become very violent.

47. It is critically important to develop a social network and security system to ensure a continuous chain of protection from prevention strategies, accessible reporting mechanisms, temporary shelters, legal remedies and rehabilitation services, psychosocial services for women victims of violence during and after court proceedings, accompanied by the necessary resources, without which the protection chain would be broken and any effort would be in vain. Sustainable government funding is crucial.

48. The experts commend the adoption of the Community Law Centre Act 2015. For citizens who are seeking legal assistance, including women in the villages, such a centre would greatly facilitate their access to justice, since it would play the role of a public advocate and serve as a one-stop reference point, providing services much needed by women who often do not know where to go for help. However, the experts are concerned that the law has not been implemented due to the Cabinet's other priorities and strongly encourage its immediate implementation.

49. The experts welcome the role of the Maintenance and Affiliation Section of the Ministry of Justice and Court Administration with regard to enforcing court orders for maintenance by legally representing entitled women. The Working Group learned that, to date, 800 such cases had been taken up.

C. Women victims of multiple discrimination

1. Women with disabilities

50. Women with disabilities face multiple barriers. Fear of mistreatment and domestic violence and difficulties in providing the services expected of a wife have sometimes made families reluctant to allow their daughters with disabilities to get married. They encounter more difficulties in dealing with emotional and physical violence at home, as reporting violence is hardly an option, due to the lack of alternative support services. In a village, a pastor's home often serves as a temporary place of safety. Their ability to speak in front of the village council is further reduced due to the prevailing attitude towards people with disabilities.

51. The Working Group was pleased to learn that a woman with a disability was given a chiefly title for the first time in 2015 and that there were numerous projects under way and efforts being made by the Ministry of Women, Community and Social Development to provide employment opportunities. The national policy on persons with disabilities has undergone two rounds of consultations, with attention reportedly being paid to women with disabilities.

2. Women in prostitution

52. Prostitution is criminalized in Samoa, including those engaging in prostitution and those living on another person's earnings from prostitution. This may put women who engage in prostitution and their families at risk. The criminalization of women working in prostitution or engaging in sex work forces them into situations of injustice, vulnerability

and stigmatization and is contrary to international human rights law. The Working Group notes that the Committee on the Elimination of Discrimination against Women calls for the prohibition of the exploitation of prostitution and not for the punishment of women engaged in prostitution/sex work themselves. Women should not be criminalized for prostitution (A/HRC/32/44).

3. Women deprived of liberty

53. While free legal aid is to be made available to all, it seems that, in cases of women offenders, the quality thereof is not optimal. There is a high rate of women imprisoned on charges of "theft as a servant" (about 70 per cent). The experts note that the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) call for alternatives to detention, in particular in relation to pregnant women and women with children. Furthermore, detainees with a mental illness should not be kept in prison in a locked room. They should receive specialized care.

VI. Right and access to health services

54. Samoa has developed several strategies on improving the health conditions of women, including a Health Sector Plan 2008–2018, focusing, inter alia, on rapidly increasing levels of non-communicable diseases, reproductive and child health, emerging and re-emerging infectious diseases and disability. The Government has developed a policy to improve family planning in the country, the National Sexual and Reproductive Health Policy 2011–2016.

55. Some villages have tried addressing chronic health issues, such as obesity, diabetes and high blood pressure, with preventive measures, such as the development of vegetable gardens in each household to ensure healthier food and reduce reliance on costly imported goods. The Ministry of Women, Community and Social Development is working with the Ministry of Health to revitalize the community health model, through supporting the role of the women's committees. This effort will have an impact on the ability of rural women to gain access to information and services, including for sexual and reproductive health.

56. The Working Group learned about the generally limited resources of health-care providers, the severe lack of doctors and the issue of pharmacies running short of supplies. The district health centre that the Working Group visited, for instance, provides services to some 18,000 people, receives one weekly visit by a doctor and has 15 nurses with limited tools, infrastructure and medicines to respond to the high demand. The Working Group observed with appreciation the efforts deployed to conduct immunization campaigns, ensure antenatal care and propose certain homecare services to the elderly and people with disabilities at reduced costs. Many regretted, however, the limited accessibility of such centres, leading some, including women, to resort to inappropriate treatments in the villages.

57. Furthermore, there seems to be limited State responses to the specific needs of women with disabilities who face multiple forms of discrimination and mental health issues. The experts learned that Samoa did not seem to have mental health professionals. Some stakeholders raised concerns about the high rates of suicide, which deserve adequate responses.

58. The Working Group learned that antenatal care programmes were available in district health centres for 10 tala and that some women in the villages were trained to act as midwives in order to find community-based solutions to the general lack of health providers. Medicines and any other type of treatment have to be paid separately. According to the health professionals that the Working Group met, contraceptives were provided for 5 tala, as long as the husband had consented after filling in a form. Minor girls have to be accompanied by an adult. Emergency contraception can be provided on prescription. The experts reiterate that the requirement of third-party consent deters women from accessing information and services for family planning and that emergency contraceptives should be available over the counter (A/HRC/32/44).

59. Modern contraceptive prevalence remains low in Samoa, which has the highest unmet contraception need among women aged between 15 and 49 in the Pacific region at 45.6 per cent[7] and the highest fertility rate, estimated at 5.1.[8] This represents a major challenge for the country's development, with large families placing a considerable burden on households.

60. The Working Group is concerned at the increased prevalence of sexually transmitted infections. Despite efforts to make condoms more available, the Working Group learned of particular challenges young people face in accessing them, including active resistance. When condom dispensers were installed in the toilets at the National University of Samoa, the Catholic Church expressed grave concern and shortly thereafter the dispensers disappeared.[9] The National HIV, AIDS, and Sexually Transmitted Infections Policy 2017–2022 — which recognizes gender equality as indispensable in addressing sexual health and sexually transmitted infections, including women and girls' vulnerability to HIV infection in the various social, cultural and economic environments — should be duly implemented with the necessary actions and resources in order to combat this acute public health issue. The free testing for HIV in hospitals should be ensured with adequate supplies.

61. The Working Group also strongly encourages support for initiatives such as the Youth Friendly Drop-in Centre, which provides counselling services and contraceptives. Given the high rates of teenage pregnancies particularly in rural areas and the proliferation of sexually transmitted infections, such services would be optimal if they could also be provided in rural areas and free from the requirement of parental consent. Rural teenagers are more likely to experience pregnancy than their urban counterparts, and there is a considerable weighting towards teenage pregnancy within the lower socioeconomic strata.[10]

62. The experts share the regrets expressed by some interlocutors regarding the criminalization of voluntary termination of pregnancy, which, despite the progressive 2013 reform of the law, is still only permitted when the health or the life of the woman is at risk. Any person procuring a miscarriage, woman — including victims of rape and incest — procuring her own miscarriage or person who supplies any drug, noxious thing or instrument intended for unlawfully procuring a miscarriage is guilty of an offence and liable to imprisonment for up to seven years under the Crimes Act 2013.

63. Some interlocutors affirmed that unsafe termination of pregnancy does take place through the use of hazardous practices endangering the health and life of women and girls. This phenomenon needs to be better understood and documented. Some interlocutors called for a wake-up call, considering it intolerable that girls as young as 10 years, who had become pregnant as a result of rape, had to carry their pregnancies to term, at great risk to their health and life.

64. An NGO plays a key role in sexual and reproductive health, filling the gap due to the limited capacities of the nation's health services. It provides family planning, prevention (including testing for sexually transmitted infections) and counselling services and assists the State with sexuality education in schools. It reaches some villages regularly, through mobile nurses, conducts preventive actions and provides contraceptives for minimal costs (or for free when women cannot pay). The experts strongly suggest that such initiatives be adequately and sustainably supported to reduce their dependency on donor assistance.

65. Furthermore, it is important that the authorities at the highest level honour the country's international commitments and human rights obligations under the International Conference on Population and Development and the Convention on the Elimination of All Forms of Discrimination against Women by giving resounding and public support to the

[7] United Nations Population Fund Pacific Sub-Regional Office, *Samoa: Sexual and Reproductive Health Rights Needs Assessment April 2015* (Suva, 2015).

[8] Samoa Demographic and Health Survey 2014.

[9] Ramona Boodoosingh, "Violence against women in developing countries: policy and services in Samoa and Fiji", PhD dissertation, Centre for Samoan Studies, National University of Samoa, 2016.

[10] See http://asiapacific.unwomen.org/en/countries/fiji/co/samoa.

sexual and reproductive health agenda and refraining from sending messages undermining family planning.

VII. Women's participation in economic and social life

A. Women in the labour force

66. Women play a key role in the social and economic life of Samoa and represent a valuable asset for sustainable development. They are on the frontline dealing with issues of health, education, food security, access to and quality of the water supply and disaster relief management in villages, through women's committees. However, access to job opportunities is largely limited to the urban area. Women's unemployment (20 per cent) is higher than men's (14 per cent).[11] Overall, women's labour force participation (at 26.3 per cent) is considerably lower than that of men (at 44.1 per cent). Some 66.3 per cent of employed women work in the informal sector,[12] thus falling outside the reach of social security benefits, which are only available in the formal sector. The Working Group was informed of the Government's effort to identify areas for employment and entrepreneurship at the village level with foreign assistance.

67. Women head more than 60 per cent of small businesses. Women business leaders have played a central role in making the Samoa Chamber of Commerce an inclusive model catering for small farmers and businesses, as much as for large corporations, and ensuring that women have a strong presence both on the staff and the board. The Chamber runs various initiatives for further exploring the potential for economic empowerment, in which there is strong participation by young women, including from the village. The Working Group was pleased to note that the National Financial Inclusion Strategy for Samoa 2017–2020 has an explicit overarching goal focusing on women: of an additional 40,000 adults with improved access to formal financial services, at least 50 per cent will be women, and at least 50 per cent will be from rural areas.

68. In the absence of a State-sponsored social welfare system, this function has been assumed by individual families, including those living abroad. The experts were informed that the Government is laying the foundations for such a system, by establishing citizen identification cards and improving birth registration through an e-health system that registers births at hospital. A social welfare system would go a long way in providing minimum guarantees by the State and help relieve the burden on families.

B. Maternity, paternity and parental leave

69. Public and private sector employees do not enjoy the same maternity cover. Samoa extended entitlements for maternity leave in the public sector in 2015 under the Public Service Commission's Working Conditions and Entitlements Policy, to 26 weeks, of which 12 with full pay and 14 without pay, thus meeting the minimal international standards. However, in the private sector, which falls under the Labour and Employment Relations Act 2013, women can have only four weeks with full pay. For both sectors, paternal leave is only five days with full pay, while parental leave has not been introduced. The Working Group believes that paid parental leave, introduced by an increasing number of countries, facilitates the sharing of responsibility for care within a household and helps overcome stereotypes and barriers to men sharing childcare functions and their need to reconcile work and family life (A/HRC/26/39).

70. The Labour and Employment Relations Act 2013 contains comprehensive provisions prohibiting direct or indirect discrimination on the basis of gender, sex, sexual orientation, marital status, pregnancy and family responsibilities. Furthermore, men and women are required to be paid the same for the same work and equal remuneration for

[11] International Labour Organization, *Samoa — Labour Force Survey 2012*.

[12] Samoa Bureau of Statistics, *Samoa: 2012 Labour Force Survey*.

work of equal value. The Public Service Act 2004, which governs the public sector, on the other hand, contains no specific mention of women or gender equality, other than a general clause in article 18 (g) on equal employment opportunities in public services. The national human rights institution has recommended appropriate amendments to the Act to require consideration of gender equality in all public service recruitment.

C. Education

71. Samoa has high literacy rate for both women (98.8 per cent) and men (99.1 per cent) in the Samoan language. Girls are more successful at school, with fewer girls dropping out than boys at the secondary level. Female students receive 60 per cent of Government scholarships due to their better performance. [13] Whenever women have been given opportunities, they have excelled. Merit-based education opportunities have played a significant role in the advancement of women in all aspects of life. However, the near absence of vocational schools undermines opportunities for employment prospects.

72. Education plays an important role in breaking the cycle of violence in society and in changing mindsets. The educational content must be based on universal human rights principles and the concept of gender equality. Human rights education forms part of the right to education. Translating into Samoan child-friendly materials relating to the Convention on the Rights of the Child that already exist in English would be a useful first step.

73. The sad reality of the rate of teenage pregnancy (9 per cent) is a reminder of the urgent need to ensure that boys and girls receive comprehensive scientific-based sexuality education at school. The experts learned that, despite repeated training of teachers through joint efforts by the leading NGO and the ministries of education and health, teachers are not at ease when teaching the subject and that sexuality education is less than comprehensive, taught in the physical education classes and does not reach all schools. The educational system promotes abstinence and stigmatizes premarital sex, making it exceedingly difficult for unmarried persons and/or adolescents to access contraceptives.[14] Schools should be a safe place to teach sensitive but important subjects. In the face of rising sexually transmitted diseases and teenage pregnancies, silence is a denial of responsibility. The experts hope that the current review of school curricula will address this issue in line with the country's international human rights obligations.

74. The Working Group is concerned that pregnant teenagers are often pulled out of schools by their parents or expelled by school principals. A recent policy of the Ministry of Education, the National Safe Schools Policy, guarantees the right to education of pregnant girls. At the time of the visit, it appeared that the policy was not known at the school level. Additionally, this policy contains no further references to girls. Given the prevalence of sexual violence, its absence in such an important policy is a missed opportunity.

VIII. Women's participation in political and public life

75. Women's participation in political and public life at the national and village levels is distinct yet interrelated, a complex picture of evolving achievements and persistent barriers. Progress in this field moves gradually as women excel in their studies and professions, and as more families bestow chiefly titles on women, thereby opening new doors for career development and giving entitlement to run for the Legislative Assembly.

76. The institutions most open to professional women are in the public service sector, in which women constitute over half of its workforce and are well represented in leadership positions, including as the chief executive officers of ministries. The latest data show that

[13] Government of Samoa, *Samoa Demographic and Health Survey 2014* (Apia, June 2015).

[14] Boodoosingh, "Violence against women in developing countries".

of the 18 chief executive officers, 8 were women in the period between 2015 and 2016, an improvement from 6 women out of 19 between 2009 and 2010.[15]

77. Women first entered the judiciary as judges in 2011. Today, 7 out of a total of 26 judges are women, including 2 out of 6 judges in the Supreme Court. Of the 649 police officers, 23 per cent are female, including 8 in high-ranking positions.[16]

78. However, there are only 2 women out of 13 ministers, including a first woman Deputy Prime Minister. In the diplomatic service, Samoa has had only one women ambassador during the past two decades. At the time of the visit, there were two women heads of missions among a total of six. Cabinet ministers are nominated by the Prime Minister, who also appoints ambassadors. The Working Group learned that a policy on the selection of ambassadors had been presented to the Prime Minister with a view to ensuring a transparent appointment process. A strong political will is essential to raise the representation of women at the highest level of the executive and diplomatic service, especially in a context in which there are many competent women serving in the public service.

79. The experts observed first-hand the competence and commitment of women in leadership positions. Educational opportunities, such as merit-based overseas scholarships, have been a key factor for women's success, especially for young women in the villages. This has been a good practice for the advancement of women in Samoa.

80. Samoa continues to lag behind in women's political participation, ranking 161 out of 190 countries. The 10 per cent quota is a major but insufficient first step forward for women's meaningful participation, which requires a minimum of 30 per cent representation according to international standards. Nevertheless, women see the 10 per cent quota as sending a clear message that the Legislative Assembly is not an exclusive men's club and that there is now a place for women in the nation's legislative body. The quota system had an immediate impact: in the 2016 elections there was a record 24 woman candidates and a new (the fifth) woman entered the Assembly thanks to the Act. Though every woman in the country is now entitled to vote, the political system still reserves the right to enter the Assembly for citizens holding chiefly titles, which remains a male privilege, since only 11 per cent of title holders nationwide are women, of which a significant number live abroad. For those women who did run in the 2016 elections, they faced deeply entrenched political machinery and processes that have served male candidates well over decades, as well as corruption and a lack of influence in village governance.

81. Unequal opportunities for women remains a structural impediment for women's full and meaningful participation at the highest level of the political institutions. The experts learned that a mentoring initiative for young women by senior women politicians has been set up and recognize this as a promising practice in the empowerment of individual women. Further policy measures in support of women's political representation remain necessary.

82. Policymaking and implementation in Samoa involves extensive stakeholder consultations, particularly given the deep-seated autonomy of its self-governing villages and the extensive role of the church in all aspects of community life. The Ministry of Women, Community and Social Development has initiated a district-wide development planning process in which four or five villages collaborate in identifying issues and concerns, including consultations with representatives of village women, young persons and persons with disabilities. The experts observed this planning process and were impressed by the quality of the debates among the stakeholders and the facilitation by the Ministry. The Working Group supports the scaling-up of this pilot project to the whole country as it has the potential to change minds while breaking the isolation of villages in their decision-making.

83. At the village level, women's participation in political and public decision-making is complex and mainly indirect. Village governance is centred on the village council, the members of which are villagers (predominantly male) with chiefly titles bestowed on them

[15] Data provided by the Government during the visit.

[16] Ibid.

by their extended families. Among village-based chiefs, only 5.5 per cent are women. Reports indicate that 19 villages ban women outright from village council meetings.[17] The reasons cited for excluding women have to do with communication practices among male chiefs and dress codes during the meetings, which would make women uncomfortable. The Working Group has been told that changing this practice is a gradual process that can only begin in the family, i.e. through the giving of chiefly titles to women. However, despite the increasing number of women with chiefly titles over the years, few participate actively in the village council meetings.

84. The Working Group was pleased to note that the Strategy for the Development of Samoa 2016/17–2019/20 contains a key outcome on social institutions, which aims at strengthening village governance so as to achieve greater participation of individuals in planning and implementation of village by-laws, with a specific focus on increasing the participation of women in the development and governance of communities.

85. However, even where women's committees are active in the community they do not have any formal authority in village matters. Women may be leaders among women, but they have little direct voice in village government.[18] Women's input into village council decision-making is mainly carried out in an indirect manner through women's committees, which have specialized responsibilities, for example for village and home hygiene, maintenance of natural water sources, harmony in the community, preschooling and recreational activities. Women's committees have female representatives who are paid by the Government, as are male village representatives. Although recommendations have been made to equalize their salaries, women are paid half as much as men. Women's committees are often the first responders to cases of domestic violence in the village and only in special circumstances do they bring these cases to the attention of the village councils.

86. The participation of urban professional women in village councils contributes to changes in mindsets. However, they need to be supported in order for them to reconcile participation in village life with the demands of their professional life. Government policy that allows flexible working arrangements would facilitate their participation in village governance.

87. With adequate resources and support, civil society organizations could do more with an independent voice. The Working Group learned that civil society organizations working on women's issues are poorly resourced and that the centrally managed sector programme provided funding to only a few organizations. Some interlocutors expressed their disappointment at the programme's lack of transparency.

IX. Conclusions and recommendations

A. Conclusions

88. **Samoa has made important strides in developing a legal framework that abides by its own Constitution and complies with its international human rights obligations, particularly, over the past decade, with regard to the elimination of discrimination against women. The criminalization of domestic violence, the legal guarantee of equality between men and women in employment and the constitutional amendment to ensure 10 per cent of women in the Legislative Assembly are important milestones. Samoa is fortunate to have committed and effective individuals in strategically placed institutions as important assets in implementation and further advancement.**

89. **However, successful implementation of these laws and the full enjoyment of human rights by all Samoan women require a comprehensive approach that would**

[17] Leassolagi Malama Meleisea and others, "Political representation and women's empowerment in Samoa, volume I: findings and recommendations" (Apia, Centre for Samoan Studies, National University of Samoa, July 2015).

[18] Penelope Schoeffel, "Revitalization of Samoa's village women's committee for health promotion", Centre for Samoan Studies, National University of Samoa, March 2016.

include the development of adequate social and economic policies in order to address the root causes of discrimination against women, including gender-based violence. The extensive and multiple efforts by various institutions to document the incidence of violence against women, including in the context of family health and safety, is but the beginning of a long journey of understanding and response.

90. Ensuring the sexual and reproductive health and economic empowerment of women are prerequisites for an effective and lasting impact of the country's legislation on violence against women. Provision of a State-sponsored social welfare system that could reduce the burden of individual families is a long-term but crucial step. Psychosocial support for the rehabilitation of women and girls who are victims of violence, including sexual violence, is a necessary complement to the criminalization of acts of violence against them. Civil society has contributed immensely to service delivery for women and girls in need, but their resource base is small and precarious. Without sustainable financing, from the State and the private sector and through international cooperation, these services can only benefit a small minority of women and girls in need.

91. One of the most important steps in addressing the root causes of violence against women involves creating a change in mindsets regarding cultural perceptions about women and their place in society. Significant efforts have already been made on this front but major progress is necessary. Open dialogue on matters deemed taboo and alternative narratives on the meaning of the "Samoan way" need to occur on a massive scale. This cannot happen without the leadership of the Government and community and religious leaders, alongside women and men at all levels of society, titled and untitled. Samoa needs champions for change. The stakes are high for ensuring sustainable development and building resilience as a nation. The full and equal participation of women and men in traditional rural communities, as well as in the growing urban area, is crucial.

B. Recommendations

92. The Working Group commends Samoa for having undertaken numerous public consultations and studies to comply with its human rights obligations. It recommends that the Government incorporate, as a matter of priority, the key relevant recommendations from these processes in its legislation and policies, and allocate adequate resources for their implementation.

1. Legal, policy and institutional frameworks

93. The Working Group recommends that the Government:

(a) Continue its cooperation with international human rights mechanisms, including by ratifying core human rights treaties and inviting visits by special procedure mandate holders;

(b) Review legal and policy documents with a view to repealing the remaining discriminatory provisions and ensuring that women occupy an explicit and central place and are not simply treated as another vulnerable group;

(c) Incorporate further the definition of discrimination and the concept of gender equality in its legal instruments;

(d) Review village by-laws within the framework of the constitutional guarantee of non-discrimination;

(e) Develop comprehensive legislation on gender-based violence against women;

(f) Prioritize the allocation of human and financial resources to institutions that play a key role in women's rights, particularly the Ministry of Women, Community and Social Development and the national human rights institution.

2. Family and cultural life

94. **The Working Group recommends that the Government:**

(a) **Undertake a massive campaign to raise awareness of the universality of human rights and women's right to equality throughout the country, aimed at changing mindsets;**

(b) **Scale up efforts from within society that have an effect on cultural adaptation, such as the pilot district planning exercise led by the Ministry of Women, Community and Social Development;**

(c) **Develop mechanisms, including by the national human rights institution, to protect those who challenge customs, traditions and beliefs that undermine human rights, including in relation to acts of reprisal;**

(d) **Support women artists and artisans as a means to increase space for women's cultural expression and economic empowerment;**

(e) **Encourage church leaders to play an active role in combating gender-based violence including through joint initiatives.**

3. Gender-based violence

95. **The Working Group recommends that the Government:**

(a) **Develop a comprehensive strategy on gender-based violence, in line with the Committee on the Elimination of Discrimination against Women's general recommendation No. 35 (2017), which encompasses measures in all fields, including at the executive, judicial and legislative levels and the regular collection, analysis and publication of data from the justice, social and health sectors, as well as effective cooperation among institutions involved in prevention, protection and remedies;**

(b) **Ensure that studies and policies on gender-based violence include population groups facing multiple forms of discrimination;**

(c) **Work with church leaders to facilitate their positive contribution to combat gender-based violence given their influential role;**

(d) **Ensure the independent functioning of the courts by stopping the practice of testifying to the morality or good character of the perpetrator of violence against women by the moral authorities of the community, as such a practice unavoidably shifts the blame onto the women victim;**

(e) **Strengthen the Police's Domestic Violence Unit, including through continuous training, and establish an effective system for data collection;**

(f) **Review alternative dispute resolution arrangements with a view to ensuring respect for women's rights and access to justice;**

(g) **Implement, without delay, the Community Law Centre Act 2015;**

(h) **Review and revise the Crimes Act 2013, with a view to ensuring that women in prostitution are not criminalized;**

(i) **Train judges and prison officials on the Bangkok Rules and review sentencing policy according to those Rules.**

4. Health

96. **The Working Group recommends that the Government:**

(a) **Improve access to health care, particularly for women in rural areas;**

(b) **Invest in comprehensive prevention strategies, including data collection and monitoring of women's health issues, such as the prevalence of breast and cervical cancers;**

(c) Prioritize the health needs of women with disabilities, and develop the in-country professional capacity for mental health;

(d) Ensure that modern contraceptives are accessible, affordable and available without a requirement for third-party consent, and discontinue the use of criminal law to punish a woman for ending her pregnancy;

(e) Allow abortion for pregnant teenagers, as an equality measure to enable girls to complete their school education, and also as a health measure to protect their safety and life;

(f) Demonstrate support at all levels, including for civil society organizations, to break the taboo on sexual and reproductive health and rights.

5. Economic and social life

97. **The Working Group recommends that the Government:**

(a) Establish a countrywide State-sponsored social welfare system to provide social protection guarantees to all, including those working in the informal sector and those living in rural areas;

(b) Ensure equal legal protection of maternity leave for all women, increase paternity leave and introduce parental leave with a view to facilitating the sharing of care responsibilities and overcoming stereotypes;

(c) Review the Public Service Act 2004 to expand the provision on the prohibition of direct and indirect discrimination and the right to equality;

(d) Provide age-appropriate, comprehensive and inclusive sexuality education based on scientific evidence and human rights, for girls and boys before entering puberty, as part of mandatory school programmes, and ensure that sexuality education pays particular attention to gender equality, sexuality, relationships, gender identity, including non-conforming gender identities, responsible parenthood and sexual behaviour to prevent early pregnancies and sexually transmitted infections;

(e) Include specific provisions for the protection of girls against sexual violence in schools in the National Safe School Policy and ensure countrywide dissemination and implementation of the policy with an effective monitoring mechanism in place.

6. Public and political life

98. **The Working Group recommends that the Government:**

(a) Improve women's representation in the Cabinet and in diplomatic services through the adoption of affirmative action measures and transparent processes;

(b) Consider further measures for increasing women's representation in the Legislative Assembly, including by revising the quota system in accordance with international standards and supporting women candidates;

(c) Expand the Ministry of Women, Community and Social Development's pilot district planning initiative with a view to reaching the rest of the country;

(d) Support the participation of professional women who hold chiefly titles in village councils, including through flexible working arrangements and ensuring equal pay for women and men village representatives.